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Action

Control 3092
Rec'd May 11, 1953
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FROM: Tokyo

Info

TO: Secretary of State

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Reference Embassy telegram 3494 May 6.

On May 7, Foreign Office (Miyake) with Ministry Justice concurrence proposed preliminary working group of jurisdiction sub-committee of Joint Committee be established soonest for implementing details revised article on criminal jurisdiction. On assumption NATO jurisdiction article will be applied, Japanese believe maximum time needed and desirable agree on "procedural implementing details" such as channel for requests of waiver, handling arrests, collection evidence, information in disposition of cases, food, sanitation and other such items. Embassy officer stated Foreign Office proposal would be submitted Washington for instructions.

Asked if Japanese Government intended reveal in PWG policy on waiver of jurisdiction, Miyake replied that not considered "procedural detail", adding United States side may raise matter if it desired. He emphasized Ministry Justice policy and practice not (repeat not) reveal in advance, even to other government agencies, disposition it intends take in criminal cases. Embassy officer said knowledge Japanese intentions on waiver would be helpful in PWG for determining scope and extent of problem; i.e., greater the jurisdiction intended to be exercised, greater need for interpreters, jail facilities and judges for "prompt and speedy trials".

Impression gathered that Foreign Office wishes divorce itself problem waiver of jurisdiction by referring implementation Ministry Justice. To date, Japanese appear to have given little thought to establishing any waiver policy. However, until Japanese waiver policy ascertained, believe best course continue pursue this matter through Foreign Office and not through jurisdiction sub-committee, since Foreign Office appears more favorable disposed. If Japanese clearly understand NATO formula will be extended regardless their policy of waiver, atmosphere may be conducive to acquire substantial waiver.

Although Embassy and FEC not able assess effect creation PWG on Senate action, if such effect not considered prejudicial recommend commencement PWG discussions with United States side using as guide views enclosed in letter May 1 to Young.

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INCFE concurs.

MAN:OJS/10

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